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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 CARL JACKSON,

8 Plaintiff(s),

Case No. 2:17-CV-3040 JCM (NJK)

9 v.

ORDER

10 NEVADA DHHS, et al.,

11 Defendant(s).

12
13 Presently before the court is Magistrate Judge Koppe' report and recommendation. (ECF
14 No. 6). No objections have been filed and the deadline for filing objections has passed.

15 Plaintiff Carl Jackson filed an application to proceed *in forma pauperis* and attached a
16 complaint on December 11, 2017. (ECF Nos. 1, 1-1). On December 19, 2017, the court granted
17 plaintiff's application and dismissed the complaint with leave to amend because plaintiff did not
18 plausibly allege a cause of action. (ECF No. 3). On January 8, 2018, plaintiff filed an amended
19 complaint which is substantively identical to the original complaint. (ECF No. 5). The
20 magistrate judge subsequently issued a report and recommendation, recommending that the court
21 dismiss the complaint without leave to amend. (ECF No. 6).

22 This court "may accept, reject, or modify, in whole or in part, the findings or
23 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
24 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
25 determination of those portions of the [report and recommendation] to which objection is made."
26 28 U.S.C. § 636(b)(1).

27 Where a party fails to object, however, the court is not required to conduct "any review at
28 all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149

1 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
2 magistrate judge's report and recommendation where no objections have been filed. *See United*
3 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
4 employed by the district court when reviewing a report and recommendation to which no
5 objections were made).

6 Plaintiff has not objected to the report and recommendation. Nevertheless, the court
7 engages in a *de novo* review to determine whether to adopt the magistrate judge's findings.

8 The magistrate judge recommends that the court dismiss plaintiff's complaint without
9 leave to amend because plaintiff has failed to state a claim for relief. (ECF No. 6). The record
10 before the court shows good cause to adopt the magistrate judge's recommendation.

11 Plaintiff alleges in the amended complaint that he is asserting claims pursuant to 42
12 U.S.C. § 1983. (ECF No. 5). However, the complaint does not identify any constitutional
13 violation that defendants allegedly violated. *See id.* Plaintiff also alleges that a state family
14 court has treated him unfairly with regards to child support payments and requests that the court
15 invalidate the family court's rulings. *Id.* These allegations render this action a *de facto* appeal of
16 the state court decision. The court does not have jurisdiction over such proceedings. *Cooper v.*
17 *Ramos*, 704 F.3d 772, 781 (9th Cir. 2012) (holding that the *Rooker-Feldman* doctrine bars
18 exercising jurisdiction over *de facto* appeals of a state court decision).

19 Accordingly,

20 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge
21 Koppe's report and recommendation (ECF No. 6) be, and the same hereby is, ADOPTED in its
22 entirety.

23 IT IS FURTHER ORDERED that plaintiff's amended complaint (ECF No. 5) be, and the
24 same hereby is, DISMISSED without prejudice and without leave to amend.

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The clerk shall enter judgment accordingly and close the case accordingly.
DATED May 23, 2019.


UNITED STATES DISTRICT JUDGE